IN CLERK'S OFFICE

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

MAY 0 8 2015 U.S. DISTRICT COURT MID. DIST. TENN.

ROBERT Z. WHIPPLE, III,) MIS. DIST.
Plaintiff,) No. 1:13-cv-109) Senior Judge Haynes
V.) Jury Demand
DERRICK SCHOFIELD, et al.,)
Defenants.	,

AMENDED MOTION FOR A PRELIMINARY INJUNCTION

REGARDING DISPENSING MEDICATION

COMES NOW the plaintiff, pro se, and hereby amends the motion for a preliminary injunction filed April 29, 2015 (Docket No. Unknown). Two days after filing the original motion (5-1-2015), prison medical officials "found" Plaintiff's medical records and dispensed the medication previously prescribed, rendering the motion moot. In this amendment, Plaintiff seeks an order requiring prison officials to dispense any and all medications prescribed (whether by prison medical staff or the specialists treating him for Barrett's and GERD) within seven (7) calendar days. As grounds, Plaintiff avers:

- 1. Dr Duane Smoot, Plaintiff's Gastroenterologist, warned him that if he does not continue taking medication to treat his Barrett's and GERD, his esophagus could suffer further damage and could even become cancerous. He also stated that with medication and cancer monitoring, Plaintiff would likely be fine.
- While the "lost" medical records may have been due to carelessness and neglect, Plaintiff's transfer was unquestion-

ably retaliation for protected conduct.

- 3. On April 17, 2015, two agents from Defendant Schofield's office met with Plaintiff and told him, in no uncertain terms, that he would be transferred to another prison as a result of his complaints, grievances, and lawsuits. See Whipple v. Rochelle, U.S.D.C. (M.D.Tenn.), No. 1:15-cv-40, ¶¶ 74-77.
- 4. The relief requested poses no burden to defendants whatsoever in that medication is normally dispensed the third business day after it is prescribed, while Plaintiff is at risk of irreparable harm if he is denied medication.

WHEREFORE, premises considered, Plaintiff respectfully requests that this Court issue an order, to remain in effect during the pendancy of this action, requiring prison officials to dispense any and all medications prescribed within seven (7) calendar days. Such order to apply to prescription written or recommended by prison physicians as well as specialist physicians treating Plaintiff for Barrett's and GERD.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 64 day of 90, 201

Robert Z. Whipple, III #399615

BCCX Site 2

1045 Horsehead Road Pikeville, TN 37367

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that a copy of the foregoing has been placed in the U.S. Mail, first class postage prepaid, to:

Arthur Crownover II TN Attorney General's Ofc. P. O. Box 20207 Nashville, TN 37202-0207 Gail Vaughn Ashworth Wiseman Ashworth Law Group 511 Union Street, Ste 800 Nashville, TN 37219-1743

Robert Z. Whipple, III #399615 Plaintiff, pro se May 6,2015 RE: WHIPPLE U SCHOFIELD, No 1:13- ev-109, Judge Haynes

Court Clerk U.S. District Ct. 801 Broadway, Room 800 Nashville, TV 37203

Enclosed please find my Amended Motion for Preliminar Injunction. An extra front page is enclosed, please Stamp and return in the SASE.

Thank you, JANA Z Weij II Robert Z. Whipple, III Plaintit

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(). S. District Court 801 Broadway, Room 800 Nashville, T. J. 37203

U.S. DISTRICT COUNT.

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